Docket No. 17448-54409-B **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Ser. No.: 10/777,913	Examiner: Siddiqi, Mohammad
Inventor(s): Skidgel	Art Unit: 2454
Filed: 02/12/2004	Confirmation No.: 6072

Title: Apparatus and Method for remotely Sharing Information and Providing Remote Interactive Assistance via a Communications Network

APPEAL BRIEF

This brief is in furtherance of the Notice of Appeal submitted on November 24, 2010. The fees required and any required petition for extension of time for filing this appeal brief are addressed in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains the sections listed in the following table of contents:

The final page of this brief, prior to the appendices, bears the attorney's signature.

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is Benefits Technologies, L.L.C., the assignee of the entire interest in this patent application.

II. RELATED APPEALS AND INTERFERENCES

With respect to other appeals and interferences that may be related to, directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal, there are no such appeals or interferences.

III. STATUS OF CLAIMS

The status of the claims in this application is as follows:

No claims are allowed, objected to, cancelled, or withdrawn.

Claims 1, 6-10, 12, and 15 are pending and stand finally rejected.

Claims 1, 6-10, 12, and 15 are appealed.

IV. STATUS OF AMENDMENTS

No amendments to any of the claims pending in this application have been entered subsequent to final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The independent claims involved in the appeal are claims 1, 6, 12, and 15. Claims 7-10 are dependent upon claim 6.

Claim 1 appears as follows:

1. A co-browsing system, comprising:

(a) a network comprising an interconnected web server computer, vendor computer, and customer computer;

(b) a standard web site hosted at said web server, accessible by said customer computer, and comprising a plurality of standard web pages;

(c) a customer co-browsing web site hosted at said web server, accessible by said customer computer, and comprising a plurality of customer co-browsing web pages, wherein each of said customer co-browsing web pages is identical in appearance from a customer's point of view to one of said standard web pages, and said customer co-browsing web site further comprises a polling routine operable to poll said vendor computer for change events transmitted from said vendor computer while said customer co-browsing web site is accessed at said customer computer;

(d) a vendor co-browsing web site hosted at said web server, accessible by said vendor computer, and comprising a plurality of vendor co-browsing web pages, wherein at least one of said vendor co-browsing web pages corresponds to one of said customer co-browsing web pages, and wherein said vendor co-browsing web site comprises an event handler operable to

collect and transmit vendor co-browsing web site change events received from said vendor computer to said customer computer in order to synchronize a currently accessed vendor co-browsing web page with a currently accessed customer co-browsing web page, wherein said vendor co-browsing web site change events each comprise a change event identifier that identifies a control on said vendor co-browsing web page that has changed, and a change event value that identifies the new value of the control on said vendor co-browsing web page that has changed; and

(e) a data store in communication with said vendor co-browsing web site, wherein said data store is operable to store said vendor co-browsing web site change events.

Claim 1 is directed to a co-browsing system. Element (a) of claim 1, in a preferred embodiment, is shown in Fig. 1 and described in paragraphs [0036] and [0037]. Element (b) of claim 1, in a preferred embodiment, is described in paragraphs [0036] and [0037]. Element (c) of claim 1, in a preferred embodiment, is described in paragraph [0038]. Element (d) of claim 1, in a preferred embodiment, is described in paragraphs [0038] to [0047]. Element (e) of claim 1, in a preferred embodiment, is shown in Fig. 1 and described in paragraph [0036].

Claim 6 appears as follows:

6. A method for initiating a co-browsing session utilizing a web server computer, a vendor computer, and a customer computer, comprising the steps of:

(a) providing a data entry web page from the web server computer to a first web browser executing on the customer computer while said first web browser is navigating a first web site;

(b) receiving an activation event at the web server from the first web browser;

(c) providing a contact web page from the web server to the first web browser, wherein the contact web page comprises a session identifier;

(d) receiving at a second web browser executing on the vendor computer the session identifier and launching at said second web browser a second web site;

(e) transmitting the session identifier to the web server; and

(f) providing a web page from a third web site from the web server to the first web browser, and a web page from the second web site from the web server to the second web browser, where the web pages from the first and third web pages are identical in appearance to an operator of the first web browser, and wherein the second web site comprises an event handler operable to transmit a change event, and the third web site comprises a polling routine operable to poll for change events at the second web browser while the second and third web sites are simultaneously being accessed in order to synchronize a currently accessed web page at the second web site with a currently accessed web page at the third web site.

Claim 6 is directed to a method for initiating a co-browsing session utilizing a web server computer, a vendor computer, and a customer computer. Step (a) of claim 6, in a preferred embodiment, is shown in Fig. 2 and described in paragraph [0038]. Step (b)

of claim 6, in a preferred embodiment, is shown in Fig. 2 and described in paragraph [0038]. Step (c) of claim 6, in a preferred embodiment, is shown in Fig. 2 and described in paragraph [0038]. Step (d) of claim 6, in a preferred embodiment, is shown in Fig. 2 and described in paragraph [0042]. Step (e) of claim 6, in a preferred embodiment, is shown in Fig. 2 and described in paragraph [0042]. Step (f) of claim 6, in a preferred embodiment, is shown in Fig. 2 and described in paragraphs [0042] and [0043].

Claim 12 appears as follows:

12. A co-browsing method utilizing a web server computer, a vendor computer, and a customer computer, comprising the steps of:

(a) from the web server computer, transferring a first contact web page of a first web site to a first web browser operating on the customer computer;

(b) displaying at a second web browser operating on the vendor computer a session ID entry page of a second web site;

(c) receiving a session ID at the session ID entry page;

(d) redirecting the first web browser from the first web site to a third web site, wherein each of the first and third web sites comprise at least one web page that are identical in appearance to each other;

(e) receiving at the second web browser a change event representing a change to at least one control visible in the second web site, wherein the change event comprises a change event identifier that identifies the control that has changed, and a change event value that identifies the value of the change that has occurred to the control;

(f) transmitting the change event from the second web browser to the web server computer;

(g) repeatedly initiating a polling request from the third web site to the web server computer for a change event at the second web browser while the first and third web sites are both being accessed;

(h) transmitting the change event from the web server computer to the third web site in response to the polling request in order to synchronize a currently accessed web page at the second web site with a currently accessed web page at the third web site; and

(i) storing said change event in a data store in communication with the web server computer.

Claim 12 is directed to a co-browsing method utilizing a web server computer, a vendor computer, and a customer computer. Step (a) of claim 12, in a preferred embodiment, is shown in Fig. 2 and described in paragraph [0038]. Step (b) of claim 12, in a preferred embodiment, is shown in Fig. 2 and described in paragraph [0041]. Step (c) of claim 12, in a preferred embodiment, is shown in Fig. 2 and described in paragraph [0041]. Step (d) of claim 12, in a preferred embodiment, is shown in Fig. 2 and described in paragraph [0042]. Step (e) of claim 12, in a preferred embodiment, is shown in Fig. 2 and described in paragraph [0044]. Step (f) of claim 12, in a preferred embodiment, is shown in Fig. 2 and described in paragraph [0044]. Step (g) of claim 12, in a preferred embodiment, is shown in Fig. 2 and described in paragraph [0045]. Step (h) of claim 12, in a preferred embodiment, is shown in Fig. 2 and described in

paragraph [0046]. Step (i) of claim 12, in a preferred embodiment, is described in paragraph [0047].

Claim 15 appears as follows:

15. A co-browsing system, comprising:

(a) a computer network;

(b) a vendor computer connected to said network and comprising an Internet browser;

(c) a customer computer connected to said network by means of at least one standard Internet port and comprising a standard Internet browser;

(d) a web server computer connected to said network, wherein said web server computer comprises:

(i) a standard web site accessible by said customer computer Internet browser and comprising a plurality of standard web pages;

(ii) a customer co-browsing web site accessible by said customer computer Internet browser and comprising a plurality of customer co-browsing web pages, wherein each of said customer co-browsing web pages is identical in appearance to one of said standard web pages, and said customer co-browsing web site further comprises a polling routine operable to poll said vendor co-browsing web site for change events at the vendor computer Internet browser while said customer computer is accessing said customer co-browsing web site but not while said customer computer is accessing said standard web site; and

(iii) a vendor co-browsing web site accessible by said vendor computer Internet browser and comprising a plurality of vendor co-browsing web pages, wherein each of said vendor co-browsing web pages corresponds to one of said customer co-browsing web pages, and wherein said vendor co-browsing web site comprises an event handler operable to collect vendor co-browsing web site change events received through said vendor computer Internet browser and transmit vendor co-browsing web site change events to said web server in order to synchronize a currently accessed vendor co-browsing web page with a currently accessed customer co-browsing web page, wherein said vendor co-browsing web site change events each comprise a change event identifier that identifies a control on said vendor co-browsing web site that has changed, and a change event value that identifies the new value of the control on said vendor co-browsing web site that has changed; and

(e) a data store in communication with said web server computer, wherein said data store is operable to store said vendor co-browsing web site change events,

wherein said vendor computer and said customer computer are operable to communicate with each other only by means of said web page server over said network through said standard Internet port of said customer computer.

Claim 15 is directed to a co-browsing system. Element (a) of claim 15, in a preferred embodiment, is shown in Fig. 1 and described in paragraphs [0036] and [0037]. Element (b) of claim 15, in a preferred embodiment, is shown in Fig. 1 and described in paragraph [0037]. Element (c) of claim 15, in a preferred embodiment, is shown in Fig. 1 and described in paragraph [0037]. Element (d) of claim 15, in a preferred embodiment, is shown in Fig. 1 and described in paragraphs [0036] through [0046]. Element (e) of claim 15, in a preferred embodiment, is shown in Fig. 1 and described in paragraph [0036].

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1, 6, 7, 12, and 15 are unpatentable under 35 U.S.C. § 102(e) as being anticipated by Roy et al. (U.S. Patent No. 7,149,776).

2. Whether claims 8-10 are unpatentable under 35 U.S.C. § 103 as being unpatentable over Roy et al. in view of "Official notice."

VII. ARGUMENT

A. Background

The only reference cited in the rejection of the present claims is Roy et al. Both the invention of the present claims and Roy et al. are directed to methods for "co-browsing," that is, allowing remotely located users to browse web pages in a collaborative manner. The manner in which the teaching of Roy et al. achieves co-browsing is, however, quite distinct from that of the claims of the present application.

Roy et al. teaches that each attendee in the co-browsing session uses a web browser that has been augmented with a "collaboration applet." (See col. 4, lines 11-13, and references 102a and 104a in Fig. 1.) The applet may be downloaded when the attendee creates or joins a co-browsing session. (Col. 4, lines 14-16.) A collaboration server communicates with the applet-augmented browser of the attendee's client computer in order to facilitate the browsing session. (Col. 4, lines 24-32.) The collaboration server fetches web pages from their source location and pushes them to attendees. (Col. 5, lines 21-26.) Before passing along web pages to the attendees, the web pages are transformed by the collaboration server for co-browsing. (Col. 5, lines 41-44.) The applet installed on each attendee's browser cooperates with the collaboration server to ensure that links within the web page are replaced or redirected such that they instead point to the collaboration server's corresponding version of the web page, which has been modified for co-browsing. (Col. 8, lines 14-24.) Cooperation between the applet installed in the attendee's web browser and the collaboration server thus allows multiple attendees to experience the same annotation events in a web page performed by a host or other participant. (Col. 12, lines 28-33.)

A significant limitation of the Roy et al. teaching is the requirement that each browser be augmented with a collaboration applet. For a number of technical reasons as explained in the present application (see paragraphs [0013] through [0016]), use of an applet becomes impractical when the attendee may be anyone with an Internet connection, such as, for example, when co-browsing is desired to assist applicants who are attempting to fill out insurance forms over the Internet. The present invention overcomes this limitation, and eliminates the need for an applet downloaded to the user, by the novel use of two separate versions of the web site where co-browsing is desired. One version of the web site is the standard version; the other appears to the user as generally identical to the standard version, but is designed for co-browsing. A polling routine is embodied in the co-browsing web site. The polling routine in the co-browsing version of the site eliminates the need for the user to download an applet, instead allowing a user to engage in a co-browsing session with a standard, unaugmented web browser.

B. Claim Rejections

1. Claim Rejections—35 U.S.C. § 102 (claims 1, 6, 7, 12, and 15)

Claims 1, 6, 7, 12, and 15 have been rejected as being anticipated by Roy et al. The applicant respectfully submits that Roy et al. does not anticipate the claims for the following reasons.

The co-browsing system of Roy et al., like several of the prior art systems discussed in the background section of the present application, relies on the user to download a software application or "applet" in order to engage in co-browsing. As already noted, the claimed invention does not require the download of any such

software, but rather is capable of functioning with only a standard web browser at the user computer. The present invention overcomes the requirement of downloading specialized software or "applets" by its novel use of a polling routine.

The Examiner has asserted that Roy et al. teaches such a polling routine at column 2, lines 35-43, and/or at column 11, line 63 to column 12, line 6. These two sections are reproduced, in full, below:

> In one embodiment of the invention, a system and methods are provided for facilitating the collaborative co-browsing of a document or web page. In this embodiment, collaborators operate client browsers that are augmented, for purposes of the collaboration, with a collaboration applet. The applets are configured to communicate with a collaboration server to relay information about co-browsing events and pages to be co-browsed.
>
> Thus, one or more hyperlinks within the page may be modified (e.g., by javascripts and/or the collaboration applet) to point to the collaboration server instead of their original targets. Script event handlers may be added to the browser's document object model. For example, event handlers may be added for fields of a form, so that each value input to the form is communicated back to the collaboration server. Other script or page code may be added to facilitate the communication of scrolling, highlighting and pointing events from one attendee (e.g., the host) to the collaboration server and the other attendees.

Neither of these sections teach or even mention a polling routine of any kind, much less the polling routine claimed by the applicant.

When reciting the quoted language above in the final Office action, the Examiner inserted in brackets the language that the applet "communicates with polling status from the server." This language does not actually appear in the quoted language from Roy et al., or anywhere else in Roy et al. In fact, it is clear that the applet of Roy et al. does not involve the use of a polling technique. The purpose of the Roy et al. applet, as set forth in the quoted language above, is simply to relay information. Specifically, as described in the second quoted section, the applet may be used to modify hyperlinks within a web

page to point to the collaboration server rather than the original target of those hyperlinks, and thus to facilitate co-browsing. This function has nothing to do with polling. In the present invention, by contrast, the polling routine makes it possible for the user of the applicant's invention to dispense with applets, and instead to use only an unmodified browser application at the customer computer.

In the Advisory Action of December 22, 2010, the Examiner states that the "polling routine [applet] is broadly interpreted as instruction to actively sample the status of the client device." (The bracketed language appears in the quote.) It thus appears that the Examiner finds the applet of Roy et al. to be a polling routine within the meaning of the present claims. While it is true that the Roy et al. applet communicates with the Roy et al. collaboration server, there is no basis for defining the term "polling routine" so broadly that it encompasses any facility for communication between a client and server computer. Polling is a specific type of communication, the meaning of which is well understood in the computer science field as repeated messages being sent from one computing device to another to determine if a change has occurred. The meaning of "polling" as presented in the claims is further made clear in the specification of the present application. At paragraph [0017], polling is referenced (in the context of a discussion of prior art) as "periodically poll[ing] the web server responsible for generating each instance of that page to determine if any updates are necessary." In the "Summary of the Invention" section at paragraph [0022], the specification of the present application states that polling requests "trigger response updates from the web server if the co-browsed web page has changed since the last polling request." It is

thus clear that polling is a specific type of communication, which is not performed by the collaboration applet of Roy et al.

Furthermore, it is recited in each of the independent claims at issue that the polling routine is part of a co-browsing web site, not an applet added to a browser that may be employed at the user end to access the web site. In claims 1 and 15, it is specifically recited that the customer co-browsing web site comprises the polling routine. In claims 6 and 12, it is specifically recited that the third web site comprises the polling routine. Thus in each case, the claims are limited to a polling routine at a web site, not to an applet downloaded to a user's web browser. The specification of the present application supports this conclusion, because it specifically distinguishes the present invention from other co-browsing techniques that employ a collaboration applet at the user's browser. Paragraph [0020] in the "Summary of the Invention" section states that, with respect to the present invention, "the customer is not required to download any proprietary software; the entire co-browsing session may be navigated by the customer through the use of a standard Internet browser." Thus the polling routine of the present claims is limited to a polling routine at a web site, and cannot be interpreted to include an applet installed at a user's web browser.

The Examiner also notes in the Advisory Action of December 22, 2010, that the term "polling" does in fact appear in Roy et al. It is clear from the context, however, that the use of the term "polling" in Roy et al. has nothing to do with the meaning of that term as presented in the claims of the present application. The cited Roy et al. reference to polling, taken in context, is as follows:

> *The session may be created for a limited purpose (e.g., co-browsing), or may allow multiple forms or channels of communication between the attendees (e.g., co-browsing, chat, polling, multimedia sharing).*

The term "poll" is used similarly in an earlier section of Roy et al., at col. 3, lines 63-66:

> *In different implementations of this embodiment, the attendees may collaborate to draft or revise a document, view or modify a document, chat, conduct a poll, or cooperate in some other way.*

The terms "poll" and "polling" are again used in Roy et al. in a similar fashion at col. 4, lines 33-39 and lines 52-58. It may be seen that in all of these cases, the terms "poll" or "polling" in Roy et al. do not refer to the computer science meaning of this term, that is, polling in the sense of repeated messages being sent from one computing device to another to determine if a change has occurred. Instead, Roy et al. uses this term in its everyday sense, that is, a method of allowing a body of people to vote or express an opinion on an issue. Nowhere in the present application are the terms "poll" or "polling" used in this sense, but instead they are consistently used only as terms of art within the computer science field. Thus Roy et al., for this reason as well, does not teach a polling routine as set forth in the present claims, and thus does not anticipate the invention of the present claims.

2. Claim Rejections—35 U.S.C. § 103 (claims 8-10)

Claims 8-10 have been rejected as being unpatentable over Roy et al. in view of the Examiner's "Official notice" concerning the use of contact information and telephone numbers. Each of these claims are dependent upon claim 6, and the applicant thus

asserts that they are allowable over Roy et al. in view of the official notice for the same reasons as presented above with respect to claim 6.

Respectfully submitted,

02/23/2011 /chuck dougherty/

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VIII. CLAIMS APPENDIX

1. A co-browsing system, comprising:

(a) a network comprising an interconnected web server computer, vendor computer, and customer computer;

(b) a standard web site hosted at said web server, accessible by said customer computer, and comprising a plurality of standard web pages;

(c) a customer co-browsing web site hosted at said web server, accessible by said customer computer, and comprising a plurality of customer co-browsing web pages, wherein each of said customer co-browsing web pages is identical in appearance from a customer's point of view to one of said standard web pages, and said customer co-browsing web site further comprises a polling routine operable to poll said vendor computer for change events transmitted from said vendor computer while said customer co-browsing web site is accessed at said customer computer;

(d) a vendor co-browsing web site hosted at said web server, accessible by said vendor computer, and comprising a plurality of vendor co-browsing web pages, wherein at least one of said vendor co-browsing web pages corresponds to one of said customer co-browsing web pages, and wherein said vendor co-browsing web site comprises an event handler operable to collect and transmit vendor co-browsing web site change events received from said vendor computer to said customer computer in order to synchronize a currently accessed vendor co-browsing web page with a currently accessed customer co-browsing web page, wherein said vendor

co-browsing web site change events each comprise a change event identifier that identifies a control on said vendor co-browsing web page that has changed, and a change event value that identifies the new value of the control on said vendor co-browsing web page that has changed; and

(e) a data store in communication with said vendor co-browsing web site, wherein said data store is operable to store said vendor co-browsing web site change events.

2. (cancelled)

3. (cancelled)

4. (cancelled)

5. (cancelled)

6. A method for initiating a co-browsing session utilizing a web server computer, a vendor computer, and a customer computer, comprising the steps of:

(a) providing a data entry web page from the web server computer to a first web browser executing on the customer computer while said first web browser is navigating a first web site;

(b) receiving an activation event at the web server from the first web browser;

(c) providing a contact web page from the web server to the first web browser, wherein the contact web page comprises a session identifier;

(d) receiving at a second web browser executing on the vendor computer the session identifier and launching at said second web browser a second web site;

(e) transmitting the session identifier to the web server; and

(f) providing a web page from a third web site from the web server to the first web browser, and a web page from the second web site from the web server to the second web browser, where the web pages from the first and third web pages are identical in appearance to an operator of the first web browser, and wherein the second web site comprises an event handler operable to transmit a change event, and the third web site comprises a polling routine operable to poll for change events at the second web browser while the second and third web sites are simultaneously being accessed in order to synchronize a currently accessed web page at the second web site with a currently accessed web page at the third web site.

7. The method of claim 6, wherein the data entry web page comprises a request assistance link, and the activation event is associated with the request assistance link.

8. The method of claim 7, wherein the contact web page comprises contact information.

9. The method of claim 8, wherein the contact information comprises a telephone number.

10. The method of claim 9, further comprising the step of providing a session identifier entry web page from the web server to the second web browser.

11. (cancelled)

12. A co-browsing method utilizing a web server computer, a vendor computer, and a customer computer, comprising the steps of:

(a) from the web server computer, transferring a first contact web page of a first web site to a first web browser operating on the customer computer;

(b) displaying at a second web browser operating on the vendor computer a session ID entry page of a second web site;

(c) receiving a session ID at the session ID entry page;

(d) redirecting the first web browser from the first web site to a third web site, wherein each of the first and third web sites comprise at least one web page that are identical in appearance to each other;

(e) receiving at the second web browser a change event representing a change to at least one control visible in the second web site, wherein the change event comprises a change event identifier that identifies the control that has changed, and a change event value that identifies the value of the change that has occurred to the control;

(f) transmitting the change event from the second web browser to the web server computer;

(g) repeatedly initiating a polling request from the third web site to the web server computer for a change event at the second web browser while the first and third web sites are both being accessed;

(h) transmitting the change event from the web server computer to the third web site in response to the polling request in order to synchronize a currently accessed web page at the second web site with a currently accessed web page at the third web site; and

(i) storing said change event in a data store in communication with the web server computer.

13. (cancelled)

14. (cancelled)

15. A co-browsing system, comprising:

(a) a computer network;

(b) a vendor computer connected to said network and comprising an Internet browser;

(c) a customer computer connected to said network by means of at least one standard Internet port and comprising a standard Internet browser;

(d) a web server computer connected to said network, wherein said web server computer comprises:

(i) a standard web site accessible by said customer computer Internet browser and comprising a plurality of standard web pages;

(ii) a customer co-browsing web site accessible by said customer computer Internet browser and comprising a plurality of customer co-browsing web pages, wherein each of said customer co-browsing web pages is identical in appearance to one of said standard web pages, and said customer co-browsing web site further comprises a polling routine operable to poll said vendor co-browsing web site for change events at the vendor computer Internet browser while said customer computer is accessing said

customer co-browsing web site but not while said customer computer is accessing said standard web site; and

(iii) a vendor co-browsing web site accessible by said vendor computer Internet browser and comprising a plurality of vendor co-browsing web pages, wherein each of said vendor co-browsing web pages corresponds to one of said customer co-browsing web pages, and wherein said vendor co-browsing web site comprises an event handler operable to collect vendor co-browsing web site change events received through said vendor computer Internet browser and transmit vendor co-browsing web site change events to said web server in order to synchronize a currently accessed vendor co-browsing web page with a currently accessed customer co-browsing web page, wherein said vendor co-browsing web site change events each comprise a change event identifier that identifies a control on said vendor co-browsing web site that has changed, and a change event value that identifies the new value of the control on said vendor co-browsing web site that has changed; and

(e) a data store in communication with said web server computer, wherein said data store is operable to store said vendor co-browsing web site change events,

wherein said vendor computer and said customer computer are operable to communicate with each other only by means of said web page server over said network through said standard Internet port of said customer computer.

16. (cancelled)

17. (cancelled)

18. (cancelled)

19. (cancelled)

IX. EVIDENCE APPENDIX

Not applicable.

X. RELATED PROCEEDINGS APPENDIX

Not Applicable.